IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.44782-M of 2006

DATE OF DECISION:01.12.2006

Maninder Pal Kaur .....Petitioner

Versus

State of Punjab & Anr. .....Respondents

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri Harsh Aggarwal, Advocate
for the petitioner.

Shri N.S. Gill, AAG, Punjab.

Shri SS Joshi, Advocate
for respondent No.2.

****

The petitioner, who is the complainant in case FIR No. 81 dated 6.3.2003 under Sections 498-A/406 IPC, registered at Police Station Kotwali, Sangrur, has filed this petition under Section 439 (2) Cr.P.C. for cancellation of bail granted to respondent No.2-husband.

I have heard counsel for the parties and gone through the order dated 30.11.2005, whereby, bail has been granted to respondent No.2. The said order is reproduced below for ready reference:-

> "Heard on bail application. The record has been perused. The supplementary challan has been presented today in the Court, against the accused. The presentation of challan is clearly proof of fact that accused is no more required for investigation. The conclusion of trial may take time. Accordingly without commenting on the merits, accused is ordered to be admitted on bail on furnishing bail bonds for a sum of Rs. 50,000/- alongwith one surety in the like amount with the conditions

that:-

1. He shall not leave India without permission of the Court.

2. He shall not over awe the prosecution witness.

Bail furnished, which are accepted and attested. Release warrant of accused be issued in this case".

Counsel for the petitioner contends that the aforesaid order was passed by Chief Judicial Magistrate, whereby, the trial was going in different Court. Counsel for the petitioner does not dispute that supplementary challan was presented in the same Court against the petitioner and the bail was granted.

Counsel for the respondent-State informed that now the trial has been stayed on a petition filed by the co-accused.

In view of the above facts, I do not find any illegality in the aforesaid order.

Dismissed.

December 01, 2006 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**